THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.27291 OF 2005

Dt.29.12.2005

Between:

Mullapudi Surya Rao

… Petitioner

And

The Eastern Power Distribution Company of A.P.,

Eluru, West Godavari District and another. … Respondents

ORDER:

The petitioner submits that he being the kartha of the undivided joint family having several agricultural lands in Kalavalapalli and Chikkala villages of Chagallu Mandal, West Godavari Ditrict and five agricultural service connections were installed bearing Service Nos.140, 86 and 898 at Kalavalapalli village and Service Nos.332 and 458 at Chikkala village. While so, the petitioner partitioned the property between himself and his three sons, namely, Srimannarayana, Murali Krishna and Srinivasa Rao vide partition deed dated 25.8.2004 registered as Document No.3858 of 2004 in the office of the Sub Registrar, Nidadavole. It is stated that pursuant to the partition deed necessary mutation and revenue entries are recorded by the revenue authorities and title deeds have also been issued to the respective parties. It is stated that by virtue of the said

partition deed the lands in which S.C.No.86 of Kalavalapalli village and S.C.No.332 of Chikkala village are fell to the share of one of the sons of the petitioner namely Muralikrishna and the lands in which S.C.Nos.140, 898 and 458 of Chikkala are with the petitioner. While so, the respondents issued a show cause notice dated 19.3.2005 calling upon objections as to why the three service connections may not be disconnected. The petitioner filed objections and in fact filed an application for transfer of the said two service connections in favour of his son by paying the necessary fee. But the said applications dated 23.3.2005 and 19.7.2005 have not been considered so far by the respondents.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

Having regard to the facts and circumstances of the case, when the lands were partitioned among the joint family members and each member is living separately for all practical purposes, it cannot be treated that the three service connections belong to the petitioner alone ignoring the partition deed and the mutation of their in the revenue records. The said transfer applications filed by the petitioner are returned by the 2nd respondent by proceedings dated 16.8.2005 informing that they would be considered only on receipt of instructions from the higher authorities. Therefore, I am of the opinion that there is no justification on the part of the respondents in returning the transfer applications. If any application is filed, it is the duty of the respondent to consider and dispose of the same in accordance with the relevant provisions of the Electricity Act and the Rules made thereunder. Accordingly, the 2nd respondent is directed to receive the transfer applications, which are sought for transfer of service connections by virtue of partition deed and consider the same in accordance with law. Till then, the respondents shall not take any coercive steps of disconnection of the said agricultural service connections.

The writ petition is disposed of accordingly. No costs.

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(V.ESWARAIAH, J.)

29.12.2005

Note: Issue copy by tomorrow.

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